

**ARKANSAS PROFESSIONAL BAIL BOND COMPANY AND PROFESSIONAL
BAIL BONDSMAN LICENSING BOARD
November 12, 2004**

Chairman Don Smith called the meeting to order at 9:11 a.m.

Roll call was taken. The following members were present: Don Smith, Frank Sturgeon, Eugene Reynolds, Phyllis Carruth, Xollie Duncan, and Rex Morris. Also present were Assistant Attorney General, Kevin Coker, Executive Director, Tommy Reed, Board staff and members of the audience.

Following a review of the Board Minutes for October 8, 2004, Mr. Sturgeon moved to approve. Mr. Reynolds seconded. The motion carried.

OLD BUSINESS

License Approvals:

Six (6) non-controversial license applications and three (3) non-controversial tentative license applications were submitted for Board approval. Mr. Sturgeon moved to approve the license applications as presented, pending receipt of necessary documentation. Mr. Reynolds seconded. Chairman Smith asked for comments or discussion. Hearing none, the motion was put to a vote. The motion carried.

Transfers:

The list of transferring agents was provided for the Board's information. Chairman Smith invited comments or discussion. There being none, the Board proceeded.

Forfeitures:

The Forfeiture Report was presented and the Board's approval to suspend those licensees who failed to pay forfeitures timely between November 12, 2004 and December 10, 2004 was requested. Ms. Carruth moved to suspend those licensees whose forfeitures were not timely paid between November 12, 2004 and December 10, 2004. Mr. Sturgeon seconded. Chairman Smith invited comments or discussion; there were none and the motion was put to a vote. The motion carried.

Past Due Forfeitures:

The Past Due Forfeiture Report was presented for the Board's review. Chairman Smith asked for comments or discussion. There were no comments or discussion and the Board moved to the next item of business.

Informal Hearings

The Board was provided a memo from the Executive Director containing a copy of "Findings of Fact, Conclusions of Law" from an informal hearing held by the Executive Director in April, 1996 as an example of the procedures utilized by the Board in the past. There was discussion among the Board as to the propriety of informal hearings and the method to be utilized should the informal hearing process be utilized. Mr. Coker, Asst. AG, advised the Board that various agencies utilized informal hearings as a means of efficiently handling their business.

A suggestion was made that the Executive Director should consult a Board member prior to assessing sanctions. It was determined that the Board member to be consulted would be determined on a rotating basis, excluding the Board member appointed as the Hearing Officer. It

was further determined that, in the event the Executive Director's decision was appealed to the Board, the Board member consulted in the particular matter would recuse in order to maintain the Board's impartiality.

Mr. Sturgeon moved that the Board approve an informal hearing process in which the Executive Director would consult with an individual Board member (the member to be determined by rotation, excluding the Board member designated as the Hearing Officer) regarding the appropriate sanctions as determined by the facts of each matter. Mr. Reynolds seconded. The Chairman invited further discussion or comment; hearing none, the matter was put to a vote. The motion carried 5 in favor to 1 opposed.

NEW BUSINESS

October Vouchers Paid:

Chairman Smith invited questions and/or discussion regarding the vouchers paid in October. There being none, the Board proceeded.

Quarterly Reports:

Chairman Smith invited questions and/or discussion regarding the Quarterly Reports. There being none, the Board proceeded.

Public Comments:

Chairman Smith opened the floor for public comment. Poinsett County Sheriff Larry Mills addressed the Board regarding his concerns that bond agents are securing release of defendants on very large bonds with only signatures (he noted a specific example of a \$100,000 bond with signatures of "felons" and illegible signatures without sufficient addresses or phone numbers) and, that he questioned whether the bonds were properly collateralized. He assured the Board he was speaking on his behalf only and that he understood that bail bondsmen were necessary and that the system could not operate without the function they provide. He stated it was his opinion that the "laws are so vague" as to allow abuses such as he had related and that he felt the Board should review its rules and regulations and amend them, if necessary, to prevent such abuses in the future. He suggested the following; (1) there needed to be a better accounting system; (2) a way to validate "exoneration" of bonds; (3) some "uniform" system indicating what percent of a bond premium must be collected up front, whether it is "15% or 30%, or whatever . . ."; (4) some system of verification of signatures, addresses and other identifying information, and (5) exclusion of felons as signatories. He then requested an audit of John Hancock Bail Bonds. He referred to legislation that may be introduced in the upcoming legislative session and urged the Board to address these issues.

There being no further public comments, the meeting was adjourned to hearings.
Submitted for approval:

This 10th day of December, 2004 _____
Don Smith, Chairman